



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,719	09/29/2003	Charles Steven Roush	4366-135	6343
48500	7590	02/25/2009		
SHERIDAN ROSS P.C. 1560 BROADWAY, SUITE 1200 DENVER, CO 80202			EXAMINER OKORONKWO, CHINWENDU C	
			ART UNIT 2436	PAPER NUMBER
			MAIL DATE 02/25/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/675,719

Applicant(s)

ROUSH ET AL.

Examiner

CHINWENDU C. OKORONKWO

Art Unit

2436

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. In response to communications filed on 12/30/2008, the Examiner acknowledges the amendments made to the claims and have both considered and applied them to the claims.

Response to Remarks/Arguments

2. Applicant's arguments, with respect to the rejection of claims 1-49 have been fully considered but they are not persuasive.

2.1 In response to Applicant argument that the Freed et al. reference does not teach or suggest the amended portions of the claims italicized by the Applicant in the remarks, the Examiner respectfully disagrees, referencing the claim rejections below which include the amended claims and the adjusted rejection citations for all the claimed limitations, including those italicized by the Applicant.

2.2 In response to Applicant argument that the Freed et al. reference does not teach or suggest a "firewall and servicing entity tunneling through a firewall, otherwise configured to block servicing packets, by using servicing commands disguised as a type of session (unrelated to servicing) passed by the firewall, the Examiner respectfully disagrees citing column 26 lines 6-26, which recites "establishing a communication session with the ISP 156" and "the network service provider entity receives a first message from a user network entity. In the embodiment associated with the method

320, the first message includes a first message (*packet*) type defining a dynamic network service request, a first authorization record that the user network entity employs to dynamically request network services, a list of the filtering (*blocking*) rules."

The Examiner submits that the amendment the Applicant has made to the claim limiting the claimed "servicing commands" to be disguised as a type of session "unrelated to servicing" is not supported by the Specification, therefore the Specification will be objected to below and a 112 1st paragraph - new matter - rejection will also be provided below.

2.3 In response to Applicant argument that nowhere in Freed is there the teaching or suggestion of "tunneling," the Examiner respectfully disagrees citing in addition to the protocols disclosed in column 10 lines 1-55, column 26 lines 6-26, which recites, "dynamically setting filtering rules on a network service provider entity. At step 322, the network service provider entity receives a first message from a user network entity. In the embodiment associated with the method 320, the first message includes a first message type defining a dynamic network service request, a first authorization record that the user network entity employs to dynamically request network services, a list of the filtering rules, and an identifier generated on the user network entity. For example, a format of the first message may include the message format 230 described in reference to FIG. 9. In such an embodiment, the first authorization record includes a digital certificate for requesting dynamic network services, and the identifier includes a digital signature created on the user network entity with a private cryptographic key." Thus

the disclosure here of a firewall implemented for packet filtering reads upon the claimed and argued "tunneling" feature. If weight is given to the actual meaning of the term network packet or connection "tunneling" in comparison to network packet or connection "filtering" and not simply the term itself, the clear disclosure can be appreciated.

2.4 In response to Applicant argument that Freed "say nothing about using a protocol normally used only for instant messaging," the Examiner respectfully disagrees citing column 1 lines 23-27 of Freed which recites "multi-media content including audio, video, graphics and text that requires a large bandwidth for downloading and viewing." As explained in the previous Office Action the Examiner's understanding is that the cited portion of the reference discloses "a world-wide-network of interconnected computers, provid[ing] multi-media content including audio, video, graphics and **text**" thus the capability of providing communications session configured as an instant messaging only session is implied within the disclosure. The rejection has not been overcome.

2.5 In response to Applicant argument that Freed "say nothing about using a protocol normally for VOIP," the Examiner respectfully disagrees citing, in addition to the previous citation, column 2 lines 14-23, which recites, "an exemplary data-over-cable system with a telephony return typically includes customer premise equipment ("CPE") entities (such as a customer computer or a Voice over Internet Protocol ("VOIP") device), a cable modem, a cable modem termination system, a cable television network,

a public switched telephone network, a telephone remote access concentrator, and a data network (e.g., the Internet). The cable modem termination system and the telephone remote access concentrator combined are called a telephone return termination system." The rejection has not been overcome.

2.6 In response to Applicant argument that in Freed "servicing commands are neither suggested nor disclosed," the Examiner respectfully disagrees citing column 26 lines 6-26, which recites "establishing a communication session with the ISP 156." and "the network service provider entity receives a first message from a user network entity. In the embodiment associated with the method 320, the first message includes a first message (*packet*) type defining a dynamic network service request, a first authorization record that the user network entity employs to dynamically request network services, a list of the filtering (*blocking*) rules" and column 10 lines 1-55, which recites the several different processing parameters and implied protocols of claims 9, 26 and 41.

3.6 In response to Applicant argument that in Freed "the session type is normally associated with service requests," the Examiner cites column 26 lines 6-26 which provides an example of when this is not the case in reciting "the first message includes a first message (*packet*) type defining a dynamic network service request." The rejection has not been overcome.

Art Unit: 2436

3.7 In response to Applicant argument that in Freed “are silent on tunneling using a protocol normally used for interpersonal communications,” the Examiner respectfully disagrees citing column 10 lines 1-55, which recites the several protocols disclosed by Freed, some of which are used in interpersonal communication.

3.8 The Applicant arguments regarding the dependent claims are maintained due to the above reasoning and rejection of the argued independent claim limitations.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Freed et al. (U.S. Patent No. 7,073,055).

Regarding claim 1, Freed et al., discloses a method for remotely servicing a computational component, comprising:

- providing a firewall and a computational component requiring servicing, the firewall analyzing communications to the computational component and configured to block servicing commands from a servicing entity

(col. 25 lines 41-44 – “firewall system ... implemented for packet filtering, monitoring or logging of sessions between the data network and other network”);

- establishing, through the firewall, a session with a servicing computational component, packets of the session comprising servicing commands and responses, wherein the incoming packet pass through the firewall, wherein the servicing commands and responses are embedded in packets of a session-type otherwise permitted by the firewall and unrelated to servicing of the computational component, and wherein the packets omit payload normally associated with the session (col. 26 lines 6-26 – “establishing a communication session with the ISP 156.” and “the network service provider entity receives a first message from a user network entity. In the embodiment associated with the method 320, the first message includes a first message (*packet*) type defining a dynamic network service request, a first authorization record that the user network entity employs to dynamically request network services, a list of the filtering (*blocking*) rules”);
- receiving, by the firewall, and incoming packet associated with the session, the incoming packet comprising a machine executable servicing command for the computational component requiring servicing (col. 24 lines 39-59 – “receiving static network service

requests (*requiring servicing*) on a network service provider entity from a user network entity associated with a premium network service type"); and

- forwarding, by the firewall, the servicing command to the computational component requiring servicing (col. 25 lines 5-25 – “network service provider entity may include the first network device, or alternatively, the network service provider entity may communicate with the first network device via a communication link”).

Freed et al. does not explicitly disclose omitting payload normally associated with the session such as voice data or graphic data, however it is understood by the Examiner that the recitation of “a first authorization record that the user network entity employs to dynamically request network services, a list of the filtering (*blocking*) rules” provides support for it to have been obvious for one of ordinary skill in the art, at the time of the invention to have been motivated to modify the Freed et al. disclosure to read upon the claimed invention. The above citation is the understood motivation for this modification.

Claim 18 is disclosed by Freed et al. and is rejected under the same rationale as claim 1, as both claims comprise similar limitations and claim 18 is the system implementation of claim 1.

Claim 33 is disclosed by Freed et al. and is rejected under the same rationale as claim 1, as both claims comprise similar limitations.

Regarding claims 2, 19 and 34, Freed et al., discloses the method of Claim 1, wherein the session is defined by a point-to-point protocol (col. 10 lines 1-55), wherein the session is a real-time or near real-time session and wherein the servicing command is associated with at least one of maintenance, diagnosis, provisioning, administration, monitoring, operating, repair, replacement, reconfiguring, configuring and servicing of the computational component (col. 24 lines 24-31 – "message structure ... associated with a premium network service type to statically request network services. The message includes three fields: a message type field 292, an authorization field 294 and an identifier field 296").

Regarding claims 3, 20 and 35, Freed et al., discloses the method of Claim 1, wherein the forwarding step occurs at least substantially immediately after the receiving step, wherein the session type is a computer telephony session, and wherein the session packet omit codec and voice information (col. 6 lines 35-44 – "if the data-over-cable system is Packet Cable Specification compliant, the data-over-cable system may include a plurality of additional network devices such as a call management server [which] ... may enable the media terminal adapter to establish multimedia sessions including voice communications

applications such as "IP telephony" or "VOIP.").

Regarding claims 4, 21 and 36, Freed et al., discloses the method of Claim 1, wherein the session is defined by a point-to-point protocol (col. 10 lines 1-55), wherein the session is configured as an instant messaging session and wherein graphical display instructions are omitted from the incoming packet (col. 1 lines 23-27 – "multi-media content including audio, video, graphics and text that requires a large bandwidth for downloading and viewing").

[*The Examiner's Reasoning*: The cited portion of the reference discloses "a world-wide-network of interconnected computers, provid[ing] multi-media content including audio, video, graphics and **text**" thus the capability of providing communications session configured as an instant messaging only session or a session in which graphical display instructions is understood as being disclosed.]

Regarding claims 5, 22 and 37, Freed et al., discloses the method of Claim 1, wherein the session is configured as a voice-over-IP session and wherein the session packets omit voice information (col. 6 lines 34-43).

Regarding claims 6, 23 and 38, Freed et al., discloses a method of Claim 1, wherein the packet header and trailer of the packet are configured as a voice-

over-IP packet but the payload comprises text setting forth the machine executable servicing command (col. 6 lines 34-43).

Regarding claims 7, 24 and 39, Freed et al., silent in disclosing a method of Claim 1, wherein the packet header trailer of the packet are configured as an instant message packet but the payload comprises the machine executable servicing command (col. 1 lines 23-27).

[*The Examiner's Reasoning*: The cited portion of the reference discloses "a world-wide-network of interconnected computers, provid[ing] multi-media content including audio, video, graphics and **text**" thus the capability of providing communications session configured as an instant messaging session is implied within the full disclosure of the art.]

Regarding claims 8, 25 and 40, Freed et al., is silent in disclosing the method of Claim 7, wherein the machine executable servicing command is not associated with operation of a graphical user interface or the display of information (col. 24 lines 22-64).

[*The Examiner's Reasoning*: The message field disclosed here makes no mention of a graphical user interface or the display of information and thus implies the absence of these features.]

Regarding claims 9, 26 and 41, Freed et al., discloses the method of Claim 1, wherein the servicing command is associated with at least one of the following call processing parameters: Digital Communication System or DCS call coverage, audible message waiting, vectoring, attendant vectoring, Asynchronous Transfer Mode or ATM WAN spare processor, ATM, dial by name, echo cancellation, multimedia call handling, multiple call handling, caller identification, multifrequency signaling, Integrated Services Digital Network or ISDN network call redirection, centralized attendant, remote office, enhanced Direct Inward Dialing or DID routing, survivable remote processor, time of day routing, tenant partitioning, hospitality announcements, Vector DirectoryNumber or VDN of origin announcement, wideband switching, wireless, logged-in automated call distribution or ACD agents, maximum currently registered IP stations, maximum administered IP trunks, offer category, maximum number of ports, maximum number of administered remote office trunks, maximum number of mobile stations, abbreviated dialing enhanced list, audible message waiting, vectoring, answer supervision by call classifier, ATM trunking, agent states, dial by name, DCS call coverage, echo cancellation, multifrequency signaling, wideband switching, logged-in agents, offer category, maximum numbers of concurrently registered IP stations, administered IP trunks, ports, and concurrently administered remote office stations/trunks, call center release, features that have a product value (e.g., corresponding to a product name or type), a release number (e.g., referring to a product release identifier), and

numeric value(s) (e.g., indicating an operational parameter associated with the product and/or release, such as how many ports are licensed, how many licenses for the product are granted, how many concurrent users are allowed, and/or how many stations can be concurrently administered with the feature) (col. 9 lines 38-56).

Regarding claims 10, 27 and 42, Freed et al., discloses the method of Claim 1, wherein the servicing command is associated with at least one of the following user features: features that are invoked prior to placing a call, features that are invoked during a call, features that are non-call associated that do not require display interactions, features that are non-call associated that require display interactions, features that are operated against calls not associated with the activating station, and features that are operated against an alerting call (col. 6 lines 34-48).

Regarding claims 11, 28 and 43, Freed et al., discloses the method of Claim 10, wherein the servicing command is associated with at least one of the following user features: analog bridged appearance select, abbreviated dialing, active appearance select, automatic appearance select, automatic call back, automatic intercom, autodial, bridged appearance selection, call appearance selection, call forwarding all, call forwarding busy/no answer, call forwarding deactivation, call park, call unpark, call pick-up, conference no answer, conference, calling party

number block, calling party number unblock, dial intercom, directed call pick-up, drop last added party, drop call, exclusion (which prevents a user from being active on the same call on a physical port and a trunk port), extend call off-switch enable (to enable the mapping agent), extend call off-switch disable (to disable the mapping agent), group page, handover, held appearance select, hunt night service, last number dialed, malicious call trace activation, malicious call trace deactivation, manual message waiting, priority call, send all calls, manual signaling, transfer on hang up, transfer to voice mail, and trunk night service (col. 6 lines 34-43).

Regarding claims 12, 29 and 44, Freed et al., discloses the method of Claim 1, wherein the session is point-to-point (col. 10 lines 1-55), a header and trailer of the session packets resemble the session type permitted by the firewall, and wherein the servicing commands and responses are embedded in session packet payloads in lieu of message content intended for a human recipient (col. 25 lines 41-44).

Regarding claims 13, 30 and 45, the method of Claim 1, wherein the type of the session is not intended to be associated with a servicing command, wherein the session type does not enable packet numerical sequencing, and wherein the session packets are altered to numerically sequence the packets (col. 25 lines 41-44).

[*The Examiner's Reasoning*: It is understood that the initial message sent tot the firewall is just to establish communication with firewall and not to be associated with a servicing command which would require an authenticated connection/session.]

Regarding claims 14, 31 and 46, Freed et al., discloses the method of Claim 1, further comprising:

- receiving a servicing response to the servicing command from the computational component requiring servicing (col. 24 lines 39-59);
- configuring the servicing response as at least one packet associated with the session (col. 26 lines 53-64); and
- sending the at least one servicing response packet to the servicing computational component (col. 26 lines 5-25).

Regarding claims 15, 32 and 47, Freed et al., discloses the method of Claim 13, wherein the type of session is intended for person-to-person communications (col. 6 lines 34-43).

Regarding claims 16 and 48, Freed et al., discloses a computer readable medium comprising computer executable instructions operable to perform the steps of Claim 1 (Rejected under the same rationale as claim 1).

Regarding claims 17 and 49, Freed et al., discloses a logic circuit comprising circuitry operable to perform the steps of Claim 1 (Rejected under the same rationale as claim 1).

Conclusion

5. Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHINWENDU C. OKORONKWO whose telephone number is (571)272-2662. The examiner can normally be reached on MWF 2:30 - 6:00, TR 9:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on (571) 272 4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2436

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. C. O./

Examiner, Art Unit 2436

/Nasser G Moazzami/

Supervisory Patent Examiner, Art
Unit 2436